

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
(Aiea, Island of Oahu, Hawaii)

REYNOLDS RECYCLING, INC.

Employer

and

HAWAII TEAMSTERS AND ALLIED
WORKERS, LOCAL 996, AFL-CIO 1/

Petitioner

37-RC-4100

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, 2/ the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization involved claims to represent the employees of the Employer. 4/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 5/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 6/

All full-time and regular part-time production workers 1, production workers 2, redemption center buyers, CDL drivers, Class 4 drivers, RVM technicians, head processors, vacation relief employees, maintenance employees and maintenance welders employed by the Employer on the Island of Oahu, Hawaii; excluding all other employees, office clerical employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION 7/

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which

(OVER)

commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **HAWAII TEAMSTERS AND ALLIED WORKERS, LOCAL 996, AFL-CIO.**

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Subregion 37 Office, 300 Ala Moana Boulevard, Room 7-245, Post Office Box 50208, Honolulu, Hawaii 96850, on or before May 27, 2005. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW 8/

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by June 3, 2005.

Dated May 20, 2005

at San Francisco, California

/s/ Joseph P. Norelli

Regional Director, Region 20

- 1/ The Petitioner's name is in accord with the stipulation of the parties.
- 2/ The post-hearing stipulation of the parties is hereby received into the record as Joint Exhibit 1.
- 3/ The parties stipulated, and I find, that the Employer is a Hawaii corporation with a place of business located in Aiea, Hawaii, where it is engaged in the business of recycling beverage containers and in other related businesses. The parties further stipulated, and I find, that during the 12-month period ending March 31, 2005, the Employer's sold goods valued in excess of \$50,000 directly to enterprises located outside the State of Hawaii. Based on the parties' stipulation to such facts, I find that the Employer is engaged in commerce and that it will effectuate the policies of the Act to assert jurisdiction in this matter.
- 4/ The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of the Act.
- 5/ The parties stipulated, and I find, that there is no contract bar to this petition.
- 6/ The Petitioner seeks to represent a unit comprised of all employees employed by the Employer on the Island of Oahu, Hawaii; excluding office clerical employees, guards and supervisors as defined in the Act.

The parties stipulated that the appropriate unit would include employees in the following classifications: production workers 1 and 2, CDL drivers, Class 4 drivers, RVM technicians, head processors, vacation relief employees, maintenance employees and maintenance welders. There are 26 employees in stipulated unit including: 13 production workers 1 and 2; five CDL drivers; two Class 4 drivers; one RVM technician; one head processor; one vacation relief employee; one maintenance employee; and one maintenance welder.

The only issue presented herein is whether 26 employees classified as redemption center buyers (buyers) should be included in the unit. The Petitioner would include the buyers in the unit, while the Employer asserts that they should be excluded from the unit as office clerical employees. For the reasons discussed below, I find that the buyers are production employees who perform some plant clerical tasks and that they should be included in the unit.

Facts: The Employer operates 20 redemption centers on the Island of Oahu, which are primarily located in shopping centers. The Employer also operates a processing center in Halawa Valley in Aiea on the Island of Oahu. This facility processes all of the recycled materials that have been redeemed at the Employer's redemption centers on Oahu. The Employer also operates a

small redemption center at its main processing facility known as the OTS center. The record reflects that some of the redemption centers are open five to seven days a week and a few are open only for one or two days a week.

The Production Workers 1 and 2. The record reflects that about 13 production workers 1 and 2 work at the Employer's main processing facility. They are supervised by Plant Manager Joey Hokutan. The production workers 1 and 2 remove recycled materials (recyclables) from the trailers that deliver the materials to the processing center from the redemption centers. They also prepare the recyclables for end users. Recyclables are transported by truck to the processing center in whole form (i.e., whole cans or bottles) and must be baled or shredded before they can be shipped to end users. Production workers unload the trucks using a forklift and a Bobcat loader. They load the recyclables onto a conveyor belt system, which transports the materials through a magnetized area where metals are removed and thereafter through a shredding system. The shredded materials are then blown through a pipe into outbound trailers. The production workers also bale certain types of recyclables. Workers involved in loading the bales onto outbound trucks fill out bale tags which are sent with the bales to show the type of material and the number of pounds in the bale for invoice purposes. The production workers also clean the trailers, barrels and scales, which are used at the redemption centers. Besides filling out bale tags, they also fill out logs and timecards.

A few of the production workers are cross-trained to perform redemption center duties and they regularly spend two days a week in the field and three days at the plant. If the vacation relief employee is already assigned and someone is needed to fill in for a buyer who is ill or on vacation, these employees are often used. During such periods, they spend an even larger portion of their time working in the field. They are also often assigned to work at the OTS center. In addition to the forms noted above, these employees also fill out logs showing the various items that have been redeemed at the OTS center and the amount of monies paid out to customers. Most of the other paperwork for the OTS center is handled by the assistant manager at the main processing facility.

The CDL and Class 4 Drivers. The five CDL and two Class 4 drivers employed by the Employer are also supervised by Plant Manager Hokutan. Their job is to take full trailers from the redemption centers to the main processing facility and to transport empty trailers to the redemption centers. The drivers also transport processed recyclable material from the Employer's main plant to shippers such as Matson Lines. The drivers generally do not help with the unloading or loading of their trucks at the processing plant and they spend little time at the redemption centers because they are too busy performing their own driving functions. The drivers fill out pre-trip logs and

destination logs. The pre-trip log reflects the driver's safety inspection of the tractor and trailer before departure from the main facility. The destination log shows where the driver is going, the time he leaves the main facility, and identifies the truck and trailer that he is using.

The RVM (Reverse Vending Machine) Tech. The RVM tech is responsible for running diagnostic checks on the Employer's reverse vending machines at the processing facility. These computerized machines read the UPC bar codes on containers received at the plant. They represent very new technology and only the Employer's plant manager is capable of repairing them.

Head Processor. The head processor performs production work such as unloading trailers. He also records the weight of the various recyclable materials coming from the redemption centers into the main processing center. Specifically, he records this information onto the forms that go with the trailers transporting the processed materials to end users. The head processor also ensures that conveyor belts and weigh stations are working properly and is responsible for the air quality equipment at the plant.

The Maintenance Employee and Maintenance Welder. The Employer has one maintenance employee who has a welding certification and one who does not. Both employees perform maintenance functions on the equipment at the Employer's main facility, including the shredder and conveyor belts. They also make repairs at the redemption centers. The welder also welds and fabricates items as needed.

The Redemption Center Buyers. There are 26 buyers who work at the Employer's 20 redemption centers on Oahu. As indicated above, some of the redemption centers operate six or seven days a week and a few operate only one or two days a week. There are generally one or two buyers at each center.

The record contains a job description for the buyers which states that their job is to:

1. Safely and properly inspect and buy used beverage containers under Hawaii's Beverage Container Law.
2. Daily complete (a) all customer logs and summarize at the end of each log (b) post each days receipts on the weekly report by commodity in pounds and by scrap dollars (c) post days receipts in pounds on the (MSO) miscellaneous shipping order (e) call in trailer switch if needed for next day (f) weekly call in sales data to office manager and hours worked for week, prepare written time card for submittal (g) keep running MTD

balancing sheet and record all checks written (h) on last business day of month call in month ending report, prepare final reimbursement and mail the above to office manager.

3. Remain open during all posted operating hours and until last customer leaves.
4. Maintain excellent customer relations, by providing quick, accurate honest service and weights. Provide excellent customer service to both internal and external customers.
5. Promote and protect Reynold's Recycling, Inc.'s assets, property and funds.
6. Follow all Reynolds Recycling Inc.'s Company policies.

The position description further states that the buyers must be able to lift 40 pounds at a time and handle long lines of customers. It also states that the job requires the buyer to work in an outdoor environment and inside a trailer; weigh beverage containers; pay customers; and fill out customer logs at a podium. The position description also indicates that the equipment used in the job includes calculators, scales, logs, checks and various forms.

The buyers report to Redemption Center Supervisor Jack Hobbs. Hobbs does not supervise any other employees on Oahu.

The Employer provides about five days of on-the-job training to the buyers. They are then monitored by a field supervisor, whose identity was not disclosed in the record.

The record reflects that on January 1, 2005, the State of Hawaii enacted a new law establishing a deposit program pursuant to which consumers are charged a five cent deposit for each "HI 5" type container (aluminum, glass or plastic) purchased. The State also established reimbursement rates per pound for each type of recycled commodity (i.e., aluminum at \$1.50 a pound, plastic at 83 cents a pound and glass at 12 cents a pound).

As indicated above, the Employer operates the largest state-certified redemption facility in Hawaii with twenty-four redemption centers state-wide, twenty of which are on the Island of Oahu. Generally, the Employer collects and processes the recycled materials, documents the type and amount of recyclables returned by customers, and submits that documentation to the State for reimbursement of the monies it has paid to customers and for payment by the State of handling fees for purchasing and processing recyclables. The passage of the new deposit law on January 1, 2005, dramatically increased the Employer's volume of business. Prior to the passage of the new law, the Employer classified employees performing the work of the redemption center buyers as "convenience center buyers" and the redemption centers handled only about 20 to 30 customers a day. Since the

new law took effect, the sites have handled between 70 and 150 customers a day. This increase in business resulted in the Employer hiring a number of new employees. In January 2004, the Employer had 19 employees; by the end of 2004, it had 34 employees; and at the time of the hearing on April 19, 2005, it employed 69 employees. The Employer's President, Terry Telfer, testified that by the end of 2005, the Employer expected to add approximately one-third to one-half again as many employees as are currently employed in its workforce. However, no party contends that the petition in this case should be dismissed because of anticipated growth in the Employer's workforce.

The redemption centers are open from 9 a.m. to 5 p.m. Each center is manned by one or two buyers who work from 8:45 a.m. to 5:45 p.m. One buyer keeps the center open when the other buyer takes his or her breaks. A buyer's work day generally begins at the bank where he obtains cash for the till used at the center. Each redemption center has an authorized petty cash fund of \$1,000, which is used to pay customers and to buy supplies. The buyers have the authority to write checks for up to \$1,000, and to go to the bank and conduct business on behalf of the Employer within established parameters. Each buyer is equipped with a briefcase, which contains supplies, including calculators, spare batteries, adding machine tape, bank bags, paper clips, staplers, staples, and the forms that the buyers must complete. After obtaining cash from the bank, the buyer proceeds to open up the trailer at the redemption center, which is a 40-foot Matson-type container. Most of the buyers' workdays are spent at the podium at the end of the trailer, where customers bring their recyclable containers. Glass recyclables are stored in boxes in the trailer; plastic is stored in bags; and aluminum cans are stored loose at the rear of the trailer behind a partition.

The work performed by the buyers includes a mixture of physical labor and paperwork. John Sawaguchi, who worked for the Employer as a redemption center buyer until April 2005, testified that the job of buyer includes lifting, separating, dumping, bagging and re-bagging materials. According to Sawaguchi, this physical work was "really hard," "time consuming," and made him "exhausted." According to Sawaguchi, while he was employed as a buyer, he lifted several thousands of pounds of recyclables each work day. Sawaguchi testified that when he arrived at the redemption site, he was required to lift several empty barrels down from the truck. He then greeted customers at a rate of 15 to 20 per hour, asked them what type of recyclables they had, counted or weighed the recyclables, and either he or the customer dumped the containers into the appropriate barrel. Sawaguchi testified that he also filled out the forms associated with paying the customer and recording the transactions and that such paperwork took about a 25% to 30% of his work time. The remainder of his work time consisted of physical labor and interactions with customers.

At the end of each day, buyers do a cash count to balance their monies. If they do not have enough cash on hand to get them through the next business day, they prepare a reimbursement report and go to the bank to be reimbursed for their day's expenditures. The average amount of money spent at a center on a daily basis is \$1,500. Buyers are authorized to sign checks of up to \$1,000 against the Employer's bank account. If a customer comes into the center with over \$75 in recyclable materials, the buyers normally pay them by check. Buyers can also use cash and checks to purchase supplies required to operate the center.

Sawaguchi testified that production workers from the main processing facility came to the redemption center where he worked to assist him and that some of those who assisted him had also worked in the OTS center. According to Sawaguchi, most of the production employees who assisted him had handled redemption duties, driven forklifts, baled materials, separated scrap and performed all of the other production functions at the main processing plant.

As discussed below, the Employer has one or two vacation relief employees who regularly spend two days working at the plant and three days working at the redemption centers as buyers. Other than these employees, there is no evidence that the buyers perform work at the main processing facility. However, the record reflects that the buyers go to the processing facility on a regular basis to pick up their mail folders, obtain supplies and attend meetings, which include quarterly buyers' meetings and employee safety meetings.

The record reflects that the buyers are required to fill out several forms as a regular part of their job duties. Most of these forms are not filled out by other employees. Employer President Telfer testified that the buyers spend 60 to 70% of their work time filling out such forms. As noted above, former buyer Sawaguchi testified that he spent only about 25% to 30% of his work time filling out such forms. According to Telfer, because of the increase in the number of customers since the new law was enacted on January 1, 2005, the buyers no longer have time to complete their paperwork during slow periods in the regular work day and the Employer has extended their work hours and sometimes paid them overtime so that they can complete the necessary paperwork. The forms which the buyers fill out include receipt logs, which are filled out on a daily basis for each customer. Buyers also fill out weekly reports which summarize the information contained on the receipt logs and which translate the amount of recyclables into pounds. Buyers turn in the weekly reports at the end of each week. Buyers also complete petty cash reimbursement reports on a daily basis. This report is used to show that the buyer's cash fund is balanced. Buyers also complete a petty cash log, which shows the cash that they have in their tills. In addition, buyers write checks to

customers whenever a transaction exceeds \$75 and they also write checks to purchase supplies for the center. Buyers also complete a "Reynolds Recycling Month-to-Date Balancing," form, which is used to ensure that all transactions for the month are in balance with the checks that have been written. The month-to-date packet is a synopsis of everything that has occurred at the center. It includes all weekly records, cash counts, petty cash reimbursements, logs, and copies of checks. This packet is sent to the office. Buyers are also required to complete a "Trailer Estimate Inventory/MSO" form, which lists the amount of recyclables in a trailer when it is returned to the processing center. According to President Telfer, the Trailer Estimate Inventory/MSO form is very important because it is used by the Employer to obtain reimbursement from the State.

Buyers also prepare mileage control logs to document when they travel to the main plant or to the bank. The Employer reimburses buyers at a rate of 40 cents per mile any time they use their personal vehicles to travel to any place other than the center in connection with their work. Buyers also fill out time sheets. According to Telfer, while buyers are responsible for significant shortages in their tills, there have only been two or three instances of such shortages in the Employer's 18 years of operation.

The Employer has one production worker assigned to work at the OTS center at the main facility. If more manpower is needed at the OTS center, the Employer uses a plant production worker, the vacation relief employee, or one of the employees who regularly works in both the main facility and at the redemption centers. There is a cash box and a booth at the OTS center. When working at the OTS center, this production worker does not go to the bank. However, he does handle cash, writes check to customers, and fills out logs. The other paperwork for the OTS center is handled by the office staff at the main facility.

Vacation Relief Employees. The Employer employs one or two vacation relief employees who normally spend two days working in the field and three days working at the main processing facility. When they work at the plant, they normally work at the OTS center performing basically the same type of work that is done at the redemption centers. However, they do not fill out all of the forms at the OTS center that the buyers fill out at the redemption centers. At the OTS center, they fill out only the receipt logs, checks to customers, and cash count forms. The other forms are filled out by the assistant office manager. The OTS center is as busy as any of the redemption centers and the record reflects that much of the commercial glass that is recycled is brought to the Employer's main facility for redemption. The vacation relief employees are cross-trained to operate both independently at the one-man redemption site in the plant and at the redemptions centers in the field. They

relieve buyers who are ill or on vacation and at such times they spend an even greater portion of their work time in the field.

In addition to the vacation relief employees, the Employer also has a few regular production employees who have been cross-trained to operate the OTS center.

Analysis As indicated above, the Union seeks to include the redemption center buyers in the unit and the Employer seeks their exclusion on the basis that they are office clericals.

Office clerical employees are customarily excluded from production and maintenance units. See *PECO Energy Co.*, 322 NLRB 1074 (1974); *Hygeia Coca-Cola Bottling Co.*, 192 NLRB 1127, 1129 (1971); *Lilliston Implement Co.*, 121 NLRB 868, 870(1958); *Westinghouse Electric Corp.*, 118 NLRB 1043 (1957). On the other hand, plant clerical employees are customarily included in production and maintenance units because they generally share a community of interest with employees in the plant wide unit. See *Brown & Root, Inc.*, 314 NLRB 19 (1984); *Raytec Co.*, 228 NLRB 646 (1977); *Armour & Co.*, 119 NLRB 623 (1958). The distinction between the two groups is not always clear. However, the test is generally whether the employees' duties are related to the production process, in which case the employees are deemed to be plant clericals; or whether their duties are related to general office operations, in which case they are deemed to be office clericals. The distinction is grounded in community of interest concepts and the traditional community of interest factors are examined, including supervision; skills and duties; interchange and contact; functional integration; and working conditions. *Caesar's Tahoe*, 337 NLRB 1096, 1098 (2002). *Mitchellace, Inc.*, 314 NLRB 536 (1994); *Cook Composites & Polymers Co.*, 313 NLRB 1105 (1994). Typical plant clerical duties include handling such functions as timecard collection, transcription of sales orders to forms to facilitate production, maintenance of inventory and ordering supplies. See *Hamilton Halter*, 270 NLRB 331 (1984). In contrast, typical office clerical duties include billing, payroll, reception, answering the telephone and handling the mail for a facility. See *Mitchellace, Inc.*, *supra.*; *Dunham's Athleisure Corp.*, 311 NLRB 175 (1993); *Virginia Mfg. Co.*, 311 NLRB 992 (1992); *PECO Energy Co.*, *supra.* The party seeking to exclude employees from a production and maintenance unit on the grounds that they are office clericals bears the burden of proof. *Queen Kapiolani Hotel*, 316 NLRB 655, 664-665 (1995).

For the reasons discussed below, I find that the redemption center buyers are not office clerical employees but rather are production employees who should be included in the unit.

The redemption center buyers perform functions which involve substantial physical labor and are clearly part of and highly integrated with the Employer's production process. Thus, the buyers are the employees who begin the production process by redeeming recyclables from the public, which the Employer processes at its facility. The job of the buyers involves arduous physical labor, including lifting, separating, dumping, and bagging recyclables and repeating these tasks for several thousands of pounds of recyclables a day. The buyer's job does not involve any of the tasks typically ascribed to office clericals, such as billing, payroll, reception, answering phones and handling the mail. Rather, to the extent they perform clerical type work, the work of the buyers is more akin to that of transcribing sales orders for production purposes, which is typically viewed as a plant clerical function. See *Hamilton Halter, supra*. Also, while the buyers may fill out more paperwork than other employees, it is plain from the record that the production workers, head processors and CDL and Class 4 drivers also fill out forms as a regular part of their jobs. In sum, I find that the work of the buyers is primarily in the nature of production work and not clerical work.

In addition, a few of the production workers who are stipulated to be included in the unit work at redemption centers on a regular basis. There is also an employee at the plant who on a daily basis mans the recycling redemption center located at the plant (the OTS center) and intakes recyclables as do the buyers at the outlying centers. At least one production employee is also cross-trained to fill in for the buyers who are on vacation or sick.

Buyers also have regular contact with other employees who are stipulated to be in the unit. Thus, they have regular contact with the production workers who split their work week between the plant and the redemption centers; with the production employee who substitutes for buyers when they are ill or on vacation; with the CDL and Class 4 drivers who pick up and deliver trailers to the redemption centers on a daily basis; and with the maintenance employee and maintenance welder from the plant who also perform repairs at the redemption centers. Finally, the buyers also visit the main facility on a regular basis in order to pick up their supplies and attend meetings.

The buyers are hourly paid as are the production workers and the record does not contain any evidence that their rate of pay differs significantly from that of other employees. Other than being reimbursed for mileage expenditures, there is no evidence that buyers receive different fringe benefits than do other employees.

In concluding that the buyers are production employees who are included in the unit, I have considered the fact that they are separately supervised and work at different locations from most of the employees in the stipulated unit. I have also considered that they are authorized to write checks up to a

designated amount on the Employer's bank account; to buy supplies for their site up to a designated amount; and to maintain a cash till at the redemption centers. However, after considering the record as a whole, and particularly the factors discussed above, I find that the redemption center buyers are not office clerical employees but, rather, production employees who perform some plant clerical type work and who share a substantial community of interest with the employees stipulated to be included in the unit.

Contrary to the assertion in the Employer's brief, I do not find that the duties of the redemption center buyers are similar to those of the employees found to be office clericals in *Michellace*, *Cook Composites* and *Avecor, Inc.*, 309 NLRB 73(1992). Thus, in *Michellace*, *supra* 314 NLRB at 537, the two employees found to be office clericals were separately situated in an office area; had limited work-related contact with production employees; attended office functions; were excluded from participation in plant employee incentive programs; and had been characterized by the Employer as office employees on their annual evaluations. Such factors are not present in the instant case.

In *Cook Composites*, *supra*, 313 NLRB at 1108, the data operators who were found by the Board to be office clericals spent 90% of their work time inputting data from batch tickets into computers. The remaining 10 % of their work time was spent performing traditional secretarial duties, which included typing, filing, and answering the telephone.

In *Avecor, Inc.*, *supra*, 309 NLRB at 75, the Board found the two clerical employees at issue, an order entry clerk and a lab secretary, to be office clerical employees within the meaning of the parties' stipulation because their job functions and working conditions were more like those of office clericals than plant clericals. Among other things, the Board based this conclusion on the fact that the two clericals were: (1) principally performing work typically accomplished by office clerical employees, such as preparing shipping papers and doing typing, which the Board found to be incidental to, and not an integral part of, the production process; (2) working in the same office as office clerical employees and having limited contact with production employees; (3) working the same hours as office employees, which were different from the production employees, and, unlike the production employees, being unaffected by a change to 10-hour shifts; (4) not receiving the 40-cent-per-hour wage increase granted to the production and maintenance unit employees; and 5) regularly using equipment typically employed by office clericals. Similar evidence is not present in the instant case.

In view of the foregoing, I find that that the buyers at the redemption centers are production employees and they shall be included in the unit.

- 7/ The Employer asserts that any election directed herein should be conducted by manual ballot rather than by mail ballot. At the hearing, the Petitioner indicated that it had no objection to a mail ballot and might find that preferable to a manual ballot. The manner in which the election will be conducted is a matter within my administrative discretion and will be determined subsequent to issuance of this decision. See *Halliburton Services*, 265 NLRB 1154 (1982); *Southwestern Michigan Broadcasting Co.*, 94 NLRB 30, 31 (1951).
- 8/ In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlr.gov.